



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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**Testimony of Deborah J. Fuller
Human Services Committee Public Hearing
February 23, 2010**

**Senate Bill 138, An Act Concerning Motions for Summary
Judgment in Juvenile Court Matters**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch on *Senate Bill 138, An Act Concerning Motions for Summary Judgment in Juvenile Court Matters*. We are opposed to this proposal.

The Superior Court Rules Committee establishes the procedures to be followed in court, which are codified in the Connecticut Practice Book. They have an established procedure for adopting rules, which includes receiving proposals from a variety of sources, including members of the public, and holding hearings on proposals under consideration for adoption. Because summary judgment is a court procedure, it should be the subject of a court rule, not law.

In addition to this philosophical issue, on a more practical note, summary judgment would not prove to be of benefit in Juvenile Matters. Summary judgment cannot be granted if both sides file affidavits where the facts or the credibility of the witnesses is in dispute. Since most Juvenile Matters cases are fact driven, summary judgment would rarely be granted.

In conclusion, for the foregoing reasons I urge the Committee not to act favorably on this proposal.